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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,187	09/30/2003	Sandra J. Racine	RA5597(1056-013USo1	7107

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EXAMINER
ALLEN, WILLIAM J

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/676,187	RACINE, SANDRA J.
	Examiner	Art Unit	
	William J. Allen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 September 2003</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) <u>23-26</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-22 and 27--30</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>30 September 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

    I.   Claims 1-22 and 27-30, drawn to a system and method for electronic

    commerce, classified in class 705, subclass 26.

    II.   Claims 23-26, drawn to an electronic commerce system, classified in class

    705, subclass 5.

The inventions are distinct, each from the other because of the following reasons:

2.   The inventions of groups I and II are related as subcombinations disclosed as

usable together in a single combination. The subcombinations are distinct if they do not

overlap in scope and are not obvious variants, and if it is shown that at least one

subcombination is separately usable. In the instant case, the subcombination of group

II has separate utility such as executing software to transact reservations for airline

flights, wherein the airline flights have a set of available options. See MPEP

§ 806.05(d).

Because these inventions are independent or distinct for the reasons given

above and have acquired a separate status in the art in view of their different

classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Charles Johnson on May 1, 2006 a

provisional election was made with traverse to prosecute the invention of Group I,

claims 1-22 and 27-30. Affirmation of this election must be made by applicant in

replying to this Office action. Claims 23-26 have been withdrawn from further

consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected

invention.

Claim Objections

Claim 12 is objected to because of the following informalities: Claim 12 is recited

to depend on itself when modifying the e-commerce transaction recited in claim 11. For

Examination purposes, claim 12 will be interpreted to depend on claim 11. Appropriate

correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   **Claims 1-3, 6-16, 19-22, and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Maggioncalda et al. (US 6,012,044, herein referred to as Magg).**

Regarding claim 1, Magg teaches:

presenting a user interface that includes a plurality of graphical indications that represent ranges of options associated with a asset of items available from an electronic commerce system (see at least: abstract, Fig. 4-9, 12a-12b, 14a-14b);

receiving input from a user that adjusts one of the graphical indicators within the respective range (see at least: abstract, Fig. 4-9, 12a-12b, 14a-14b);

selecting one of the items from the set based on the graphical indicator adjusted by the user (see at least: abstract, Fig. 4-9, 12a-12b, 14a-14b); The Examiner notes that various financial products are selected from a set of available financial products as a single financial package;

automatically adjusting at least one of the graphical indicators not adjusted by the user based on the selected one of the items (see at least: abstract, Fig. 4-9, 12a-12b, 14a-14b).

Regarding claim 2, Magg teaches:

wherein presenting a user interface comprises presenting the graphical indicators

to include set points having adjustable positions within the represented ranges, and

further wherein automatically adjusting at least on of the graphical indicators comprises

re-computing the positions for the set points associated one or more graphical

indicators (see at least: abstract, Fig. 4-9, 12a-12b, 14a-14b).

Regarding claim 3, Magg teaches:

wherein receiving a new position for a set point associated with the graphical

indicator adjusted by the user, and selecting one of the items comprises determining

which one of the items has an option that most closely matches the set point for the

graphical indicator adjusted by the user (see at least: abstract, Fig. 4-9, 12a-12b, 14a-

14b). The Examiner notes that the financial package is selected based on the attributes

selected by the user.

Regarding claims 6-8, Magg teaches:

(6) *prioritizing the set points into higher priority set points and lower priority set*

points (see at least: col. 3 lines 13-32); The Examiner notes that the user indiciates their

preference (i.e. prioritizing) for risk by placing the risk at a set level (i.e. set point). By

indicating the preference, they have places priority on that point.

selecting the item from the set of items to minimize a change to the positions of

the higher priority set points (see at least: Fig. 6a-6c, col. 11 lines 40-63). The Examiner

notes that the volatility of the financial products selected by the optimization module is

done so in a manner which those products correspond to the defined risk preferences of

the user. In this respect, the optimization module minimizes the change to the defined

risk preferences by selecting only financial products that fit the defined risk.

(7) *receiving input from the user that defines priorities for the set points* (see at

least: col. 10 line 49 to col. 11 line 26).

(8) *prioritizing the set point that have been recently adjustments by the user* (see

at least: col. 3 lines 13-32, col. 10 line 49 to col. 11 line 26). The Examiner notes that

the user adjusts the risk, which is subsequently set as the risk preference (establishing

priority to the recently adjusted point).

Regarding claim 9, Magg teaches

receiving input from the user from the user to limit the range associated with one

of the options (see at least: col. 8 lines 57-65, col. 10 lines 49-63, col. 11 lines 23-35).

Configuring one of the graphical indicators to limit the adjustable positions of the

corresponding set point in accordance with the defined range (see at least: col. 10 lines

49-63, col. 11 lines 23-35).

Regarding claim 10, Magg teaches:

receiving the search criteria from the user (see at least: abstract);

querying a database server to retrieve the set of items that match the search

criteria (see at least: Fig. 1, 4);

determining the ranges of the available options based on the returned set of

items (see at least: abstract, col. 2 lines 20-23).

Regarding claims 11 and 12, Magg teaches:

(11) *initiating an e-commerce transaction for the selected item in response to*

receiving action input from the user (see at least: col. 1 lines 25-34);

(12) *wherein initiating an e-commerce transaction comprises initiating purchase*

of the item (see at least: (see at least: col. 1 lines 25-34).

Regarding claim 13, Magg teaches:

wherein each of the items comprise one of a service and a product (see at least:

abstract).

Regarding claim 21, Magg teaches:

wherein the user interface software module comprises a client-side user interface

software module executing on client device, and the user interface software module

automatically adjusts at least one of the graphical indicators without communicating with

a web server (see at least: abstract, col. 7 lines 12-21, Fig. 4-9, 12a-12b, 14a-14b). The

Examiner notes that in the case of a company Intranet, the system of Magg does not

have to contact a web server.

Regarding claims 14-16, 19-20, and 22, the limitations set forth in claims 14-

16, 19-20 and 22 closely parallel the limitations set forth in claims 1-3 and 6-13. Claims

14-16, 19-20, and 22 are thereby rejected under the same rationale.

Regarding claims 27-30, the limitations set forth in claims 27-30 closely parallel

the limitations set forth in claims 1-3 and 6-13. Claims 27-30 are thereby rejected under

the same rationale.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magg in view of Tsuda et al. (US 2002/0184107, herein referred to as Tsuda).

Regarding claims 4 and 17, Magg teaches all of the above and further teaches matching item options with user criteria/set points (see at least: abstract, Fig. 4-9, 12a-12b, 14a-14b). Magg, however, does not expressly teach wherein matching items with the user criteria includes selecting one of the items *that has options most similar to the set points for a previously selected item*. Tsuda teaches a system that recommends merchandise based on the purchase history of a customer. The recommendations match the options (*set points*) of previously purchased products to suggest new products that have similar options (see at least: 0017, 0062, 0076). Thereby, Tsuda teaches includes items *that have options most similar to the set points for a previously selected item*. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Magg to have included includes selecting one of the items *that has options most similar to the set points for a previously selected item* as taught by Tsuda in order to provide merchandise recommendations more correctly by matching the taste and requests of a client (see at least: Tsuda, 0076).

7.   **Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Magg in view of Egashira et al (US 2002/0046134, herein referred to as

Egashira).

        Regarding claims 5 and 18, Magg teaches all of the above and further teaches

a pricing module for optimizing a portfolio (see at least: col. 7 line 24 to col. 8 line 19).

Magg also teaches selecting items and resulting in minimum change for a risk set point

(see at least: Fig. 6a-6c, col. 11 lines 40-63). Magg, however, does not expressly teach

selecting one of the items to *minimize a change to a price set point for a previously*

selected item. Egashira teaches an item selected by a user, and submitting the item

selection, desired price (i.e. a set price point), and quantity to multiple suppliers. The

system of Egashira optimally matches the individual buyers to suppliers by matching

desired price and quantity (see at least: abstract, 0023, Fig. 1). The Examiner notes that

in *optimally* matching the individual buyers with suppliers using a defined price point,

Egashira *minimizes the change from a price set point for the previously selected item.* It

would have been obvious to one of ordinary skill in the art at the time of invention to

have modified the invention of Magg to have included *minimizes the change from a*

price set point for the previously selected item as taught by Egashira in order to provide

an effective means for combining the wishes of purchasers and suppliers/manufacturers

of commodities so that a seller can make the maximum gross profit (see at least:

Egashira, 0001).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogesh Garg can be reached on (571) 272-6756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William J. Allen
Patent Examiner
May 1, 2006